

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Amend claims 1-7, 12, 14-25, and 32-35.
3. Add new claims 37-38.
4. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 1-36 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0053145 to Willars et al., hereinafter Willars, in view of U.S. Publication 2004/0076151 to Fant et al., hereinafter Fant. All prior art rejections are respectfully traversed for at least the following reasons.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. See *M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. See *M.P.E.P. 2142*; *M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, the combination of Willars et al. and Fant et al. do not disclose all recited features. For example, claim 1 recites, in part "wherein the

5-tuple flow information is based on information sent in using the Node B Application Part.” Neither Willars et al. nor Fant et al. individually discloses the above recited feature. Therefore, the combination also fails to disclose the above recited feature.

Regarding Willars et al., it is logical that the above recited feature is not disclosed. Willars et al.’s invention focuses and describes the inter-working transport function between ATM and IP transport, which can be applied in a 3G transport network such WCDNA. The inter-working function is necessary to transport the applications without termination.

In contrast, the invention as recited in claim 1 is directed toward using RSVP-TE for a new purpose, and extensions are provided to the standard RSVP-TE for controlling a transport network layer signaling in ATM transport network, an IP transport network, and a mixture of ATM/IP. Willars et al. does not discuss using RSVP-TE at all. Thus, Willars et al. cannot teach or suggest the feature of identifying each TNL flow by using RSVP-TE messages ... where the 5-tuple flow information is based on information sent in using the Node B Application Part.

Fant et al. describes a solution for controlling an optical network with GMPLS. The GMPLS network described in Fant et al. merely carries standard transporting messages such as SESSION and SENDER-TEMPLATE IDs. Fant et al. is silent regarding the basis for providing the 5-tuple information. That is, Fant et al. also does not disclose the above recited feature.

Since neither Willars et al. nor Fant et al. discloses the above recited feature, the combination of Willars et al. and Fant et al. also does not disclose the same recited feature. This is sufficient by itself to distinguish claim 1 from the combination of Willars et al. and Fant et al.

The following is also noted. Another requirement to establish *prima facie* case of obviousness is that the cited references cannot teach away from the claimed invention. If one or more references teach away from the claimed invention, then the combination is improper and the rejection must fail. See *MPEP 2143.01; 2141.02*.

In paragraph [0020], Willars et al. describes that when the SRNC sends a transport bearer establishment request message, the ALCAP is employed to indicate the protocol for establishment of transport bearers. This is indirect contrast to the claim which states that RSVP-TE messages are utilized. As such, Willars et al. directly teaches away from the claimed invention, and thus, the combination of references that includes Willars et al. is improper.

Independent claim 19 recites, in part “means for identifying each TNL flow by using RSVP-TE messages ... wherein the 5-tuple flow information is based on information sent in using the Node B Application Part.” As demonstrated, the combination of Willars et al. and Fant et al. does not disclose this feature, and indeed, actually teaches away. Accordingly, independent claim 19 is distinguishable over the combination of Willars et al. and Fant et al.

Claims 2-18 and 20-36 depend from independent claims 1 and 19, directly or indirectly, and therefore are distinguishable over the combination of Willars et al. and Fant et al.

The dependent claims are also distinguishable on their own merit. For example, claim 2 recites that the RSVP-TE tunnel for each connection direction is established between the first edge node and the second edge node. The Office Action relies upon paragraphs [0025] and [0031] of Fant et al. to allegedly teach this feature. Paragraph [0025] merely indicates that the GMPLS signaling is used between the GMPLS controllers over the controlled plane to establish a path. The path is established by forwarding the RSVP-TE signaling messages. Paragraph [0031] merely describes the content of the GMPLS signaling messages. There is no description in either paragraph [0025] or [0031] regarding establishing two RSVP-TE tunnels, one for each direction between the first and second edge nodes. Indeed, Fant et al. is silent on this issue.

As another example, claim 3 recites that the PATH message includes reservation information such as bandwidth for interior nodes. Again contrary to the Office Action, Fant et al. is silent regarding whether the PATH message comprises a bandwidth information for the interior nodes. As another example, claim 6 recites that a RESV message comprising standard RSVP-TE objects and PHR and PDR objects in the reverse direction. Fant et al., at best, merely discloses that no more than standard RSVP-TE objects are transported in the RESV message. The PHR and PDR objects are in addition to the standard

RSVP-TE objects and thus, are not contemplated by Fant et al. This is logical since Fant et al. is not aware of RMD specific objects such as the PHR and PDR. For similar reasons, the combination of Willars et al. and Fant et al. does not disclose the features of claim 7 as recited.

For at least the reasons stated above, Applicants respectfully request that the rejection of claims 1-36 based on Willars et al. Fant et al. be withdrawn.

C. NEW CLAIMS

In this reply, claims 37 and 38 are added. These claims depend from independent claim 1 and 19, respectively, and recite further distinguishing features. Applicants respectfully request that the new claims be allowed.

D. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.


The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Hyung N. Sohn
Reg. No. 44,346

HNS/edg
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100